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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 63: Advancement of women (*continued*) (A/C.3/62/L.16/Rev.2, A/C.3/62/L.17/Rev.1, A/C.3/62/L.18/Rev.1)

Draft resolution A/C.3/62/L.16/Rev.2: "Eliminating rape and other forms of sexual violence in all their manifestations, including as instruments to achieve political objectives"

1. **The Chairman** invited the Committee to continue making general statements following the adoption of draft resolution A/C.3/62/L.16/Rev.2 at the forty-sixth meeting.

2. **Mr. Ritter** (Liechtenstein) said that his delegation welcomed the adoption of the draft resolution and concurred with the delegations stressing the urgency of the matter. Liechtenstein had long been calling for recognition of the key role of the International Criminal Court in addressing the issue of rape used for political objectives, and regretted that no clear language on the Court in relation to impunity had been included. It had thus been unable to join the sponsors of the draft resolution.

3. **Ms. Cavalho** (Portugal), speaking on behalf of the European Union, as well as Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine and Norway, which also aligned themselves with the statement, said that those delegations were pleased that consensus had been reached. The European Union was deeply concerned at the continued use of sexual violence against women and girls in situations of conflict and at recent reports from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator of the appalling and unprecedented phenomenon of systematic rape and brutality against women. She stressed the key role of the International Criminal Court in ending impunity for such acts, including the crime of mass rape of civilians. More must be done in the areas of prevention, prosecution of those responsible and responding to the needs of survivors. She commended the General Assembly's leadership role in taking that important initiative. The European Union attached the utmost importance to the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, which provided the legal framework for international action in that area.

4. **Mr. Pemagbi** (Sierra Leone) said that, in the view of his delegation, the draft resolution was not just about rape, but also about its victims, including the thousands of innocent children born as a result of that heinous act. In the course of the rebel war in Sierra Leone, the rebel forces had released girls with the baggage of forced pregnancy resulting from rape with sexually transmitted diseases.

5. It was not enough, however, to condemn rape and impunity. Adequate assistance, including reparations, must be provided for the victims of rape, including children born as a result. His delegation thus would have preferred the title and the focus of the draft resolution to be "Assistance to victims and the elimination of rape in all its manifestations", but it was pleased that the text explicitly affirmed the need to provide all necessary assistance to victims. Rape victims in Sierra Leone could benefit from such assistance, including reparations, through the Special Fund for War Victims, which, eight years after the signing of the Lomé Peace Agreement, still had not become operational due to lack of resources.

6. **Mr. Normandin** (Canada), speaking also on behalf of New Zealand, said that those delegations attached great importance to the draft resolution as part of their commitment to the elimination of violence against women and girls. They wished to highlight the role of the International Criminal Court as well. Those delegations interpreted the draft resolution as falling within the broader international normative framework which included the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

Draft resolution A/C.3/62/L.17/Rev.1: United Nations Development Fund for Women

7. **The Chairman** said that the draft resolution had no programme budget implications.

8. **Ms. Kaljulate** (Estonia) introducing the draft resolution, said that Albania, Bangladesh, Benin, Botswana, Bulgaria, Canada, Cyprus, Denmark, Egypt, France, Gabon, Gambia, Honduras, Ireland, Israel, Kenya, Liechtenstein, Lithuania, Mauritius, Moldova, Montenegro, South Africa, The Former Yugoslav Republic of Macedonia and Uruguay had joined the

sponsors. As a result of informal consultations, the text of the draft resolution had been amended. In the last preambular paragraph, the phrase "in the areas of development, humanitarian assistance and the environment" should be deleted. In paragraph 4, the rest of the sentence after "United Nations" in the third line should be deleted. In paragraph 17, the words "the work of" should be deleted from the second line.

9. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Bahamas, Bolivia, Bosnia and Herzegovina, Cape Verde, Chad, Comoros, Côte d'Ivoire, Djibouti, El Salvador, Eritrea, Ghana, Guinea, Iraq, Lebanon, Lesotho, Madagascar, Malawi, Morocco, Nicaragua, Panama, Peru, Philippines, Saint Lucia, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Swaziland, Tunisia and Zambia also wished to join the sponsors.

10. *Draft resolution A/C.3/62/L.17/Rev.1, as orally revised, was adopted.*

11. **Mr. Hagen** (United States of America), speaking in explanation of position, said that his delegation understood that the references to the Beijing Declaration and Platform for Action and their five- and ten-year reviews did not create any rights and, in particular, did not create or recognize a right to abortion. They could not be interpreted to constitute support, endorsement or promotion of abortion.

12. **Mr. Fieschi** (France) drew attention to some editorial corrections to be made in the French version of the draft resolution.

Draft decision A/C.3/62/L.18/Rev.1: Term of office of the members of the Consultative Committee on the United Nations Development Fund for Women

13. **Ms. Kaljulate** (Estonia), introducing the draft decision, said that Denmark and the Republic of Korea had joined the sponsors. She hoped that the draft decision would improve the ability of the United Nations Development Fund for Women to provide guidance and enhance cooperation.

14. **Mr. Khane** (Secretary of the Committee) said that El Salvador, Greece, Iceland, Slovakia, Slovenia and Swaziland had also joined the sponsors.

15. *Draft decision A/C.3/62/L.18/Rev.1 was adopted.*

Agenda item 65: Report of the Human Rights Council (*continued*) (A/C.3/62/L.32, A/C.3/62/L.60 and A/C.3/62/L.84)

Draft resolution A/C.3/62/L.32: Institution-building of the United Nations Human Rights Council

16. **Mr. Malmierca Diaz** (Cuba) introduced the amendment to draft resolution A/C.3/62/L.32 contained in document A/C.3/62/L.84 on behalf of the Movement of Non-Aligned Countries as well as El Salvador and Kazakhstan. The amendment represented a trans-regional initiative with broad support, reflecting the results of the first year of the work of the Human Rights Council, and was intended to ensure that it was qualitatively different from its predecessor, the Commission on Human Rights.

17. **Mr. Khane** (Secretary of the Committee) drew attention to the statement of programme budget implications of draft resolution A/C.3/62/L.32 contained in document A/C.3/62/L.60. Should the amendment to the draft resolution be adopted, that statement would be adjusted accordingly.

18. **Mr. Carmon** (Israel) said that his delegation was compelled to dissociate itself from the amendment to the draft resolution, as it could not agree with its content. It called for a recorded vote on the draft resolution as a whole.

19. **Mr. Hagen** (United States of America) said that his delegation also wished to dissociate itself from consensus on the amendment.

20. *The amendment to draft resolution A/C.3/62/L.32 contained in document A/C.3/62/L.84 was adopted.*

21. **Mr. Hagen** (United States of America), speaking in explanation of the vote before the voting, said that although the protection and promotion of human rights constituted an essential role of the United Nations, his delegation would be compelled to vote against the draft resolution on the institution-building package of the Human Rights Council. The Council was intended to be different from and better than its predecessor, the Commission on Human Rights, but it had been created with deep structural flaws. The General Assembly's decision not to adopt a provision to exclude the world's most serious human rights violators from membership was particularly worrying.

22. A number of things that had gone wrong during the Council's first year: its relentless focus on a single

country, Israel; its failure to address human rights violations occurring in other countries, such as Zimbabwe, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Belarus and Cuba; its premature termination of the mandates of United Nations Special Rapporteurs monitoring two of the world's most active human rights violators, Cuba and Belarus; and the inclusion in its permanent agenda of only one item dealing with a specific country, namely Cuba. Finally, deeply unfair and non-transparent procedures had been employed to deny Council members the opportunity to vote on the package currently under consideration. All those actions raised questions about the Council's institutional priorities and ability to make unbiased assessments of human rights situations.

23. The proceedings of United Nations bodies should be models of fairness and transparency, but the way in which the package had been adopted raised doubts as to whether the Council could attain that goal. His delegation hoped that its initial assessment would prove wrong. During the next year, the universal periodic review (UPR) mechanism should subject the world's worst human rights violators to real scrutiny and even persuade them to mend their ways. The Council should also start responding to real emergencies, as it had done so admirably with Burma in September 2007, but had failed to do in the case of Zimbabwe. Finally, the Council should pass strong and accurate resolutions about country-specific human rights situations.

24. The Council could be the world's most important human rights mechanism if its consistently focused on the worst human rights violations, including extrajudicial killings, state-sponsored rape and imprisonment of people for their political or religious opinions. His delegation hoped that the Council would stand in solidarity with victims of human rights violations around the world, not with the perpetrators.

25. **Mr. Myint** (Myanmar), speaking on a point of order, said that the official name for his country was Myanmar and not Burma.

26. **Mr. Beck** (Palau), speaking in explanation of the vote before the voting, said that item 7 on the Council's agenda contravened its declared principles of impartiality and non-selectiveness. For that reason, his country would vote against the draft resolution. The Council had singled out one country, Israel, above all others, thereby undermining all hopes that it would not fall into the same category as the discredited Commission on Human Rights. A decision had to be taken whether it was worth jeopardizing the legitimacy of the institution as a whole for the sake of a weak compromise, or whether to fulfil common commitments.

27. **Mr. Carmon** (Israel), speaking in explanation of the vote before the voting, said that the Human Rights Council had deviated from its mandate and violated the principles of universality, impartiality, objectivity and non-selectiveness. It had failed to turn its attention to the majority of burning human rights situations in the world and had singled out Israel, making it the subject of a separate standing agenda item, 12 discriminatory resolutions and three special sessions. A number of members on the Council even shared a political agenda that precluded the State of Israel. Although the special mechanisms on Belarus and Cuba had been eliminated without serious discussion, special treatment had been maintained for Israel alone. That was clearly an example of double standards and hypocrisy.

28. The questionable way in which the institution-building package had been pushed through in Geneva did a great disservice to the Council and the very causes it sought to promote.

29. His delegation would vote against the draft resolution. Member States should consider the profound implications of their votes, as they would determine the future of the Council's legitimacy and reputation. It was high time to see moral conviction in the Human Rights Council, so that it became a shield to protect victims of human rights and not a weapon for those who abused them.

30. **Mr. Zvachula** (Federated States of Micronesia), speaking in explanation of the vote before the voting, said that the Human Rights Council should address issues under item 4 of its agenda, but not single out one Member State as an agenda item for political reasons. His delegation would therefore vote against the draft resolution.

31. **Mr. Strigelsky** (Belarus), speaking in explanation of the vote before the voting, said that he agreed with the institution-building package of the Human Rights Council, adopted by consensus. He supported the universal periodic review mechanism, believing that responsibilities could now be divided among the Third

Committee and the Council. His delegation would vote in favour of the draft resolution.

32. **Mr. O'Brien** (Australia), speaking in explanation of the vote before the voting, said that the institution-building package was unbalanced. His delegation was concerned about the last-minute removal of the Belarus and Cuba mandates, which both warranted continued attention. Singling out Palestine and other occupied Arab territories as a separate agenda item was also unhealthy. For those reasons, his delegation would vote against the draft resolution.

33. He also registered concern about the unorthodox procedure used to finalize the institution-building package on 19 June 2007 in Geneva.

34. **Mr. Normandin** (Canada), speaking in explanation of the vote before the voting, said that his country's position since the fifth session of the Human Rights Council had remained unchanged. The proposed agenda item on Palestine and other Arab territories was inconsistent with the principles upon which the Council had been founded, and Canada could not therefore endorse the institution-building package as a whole. Furthermore, the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was unlimited, whereas other mandates had limited terms. The same text, however, failed to renew country mandates that clearly warranted further review.

35. His country categorically rejected the manner in which the package had been pushed through at the fifth session, when procedural manoeuvring had taken precedence over the principles at stake, thereby doing a disservice to the Council and the causes it espoused. Canada had been denied its sovereign right to call for a vote on the substance of the package in order to express formally its disagreement with its flawed, politicized elements. Not only had the Council flouted its own rules of procedure and those of the General Assembly, but also those of 60 years of United Nations established practice based on the equality of Member States. His delegation would vote against the draft resolution.

36. **Ms. Zhang** (China), speaking in explanation of the vote before the voting, said that the institution-building package had been adopted by consensus and the Council had begun working on the UPR mechanism. It would be detrimental to undermine the process and she called on all Member States to adopt the draft resolution.

37. *A recorded vote was taken on draft resolution A/C.3/62/L.32, as amended.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Equatorial Guinea, Nauru, Swaziland.

38. *Draft resolution A/C.3/62/L.32, as amended, was adopted by 165 votes to 7, with 3 abstentions.**

39. **Mr. Hayee** (Pakistan) said that he welcomed the adoption of the institution-building package, despite its flaws, and hoped that it would instil greater confidence in the Council. Pakistan believed that the right of peoples to self-determination, as enshrined in Article 1 of the Charter of the United Nations, was the cornerstone of international relations among States and nations. It understood that the framework for the programme of work with respect to item 3 would include consideration of that fundamental right, and had made a statement to that effect at the sixth session of the Human Rights Council.

40. **Mr. Amorós Núñez** (Cuba) said that his delegation had voted for Human Rights Council resolutions 5/1 and 5/2. The Council should move forward in a spirit of cooperation and dialogue, free from the double standards that had undermined the credibility of the Commission on Human Rights, when there had been a mandate against Cuba. He regretted that resolution 5/1 had not gone as far as he had hoped and that some special procedures mandates against specific countries had been maintained. More priority should have been given to the right to development; however, it was only fair that there should be an item devoted to the human rights situation in Palestine, until such time as the occupation of that country had ended.

41. **Ms. Cavalho** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and associated process countries Albania, Montenegro and Serbia; and, in addition, Moldova, said that the institution-building package should enable the Human Rights Council to address human rights issues in a timely manner, wherever they occurred, and to fulfil its mandate in an efficient and credible manner. She welcomed the creation of the universal periodic review, but regretted that all special procedures mandates of the former Commission on Human Rights had not been maintained. The establishment of a "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" was unnecessary and the inclusion of a reference to Human Rights Council resolution 5/2 of 18 June 2007 was both unjustified and redundant. Although the European Union remained deeply concerned about the human rights situation in the occupied Palestinian Territories, the European Union believed that the issue should not have been singled out on the Council's agenda. At the Council's sixth session, the European Union had also been concerned to witness attempts to reinterpret the package. By voting in favour, the European Union endorsed it as an agreed set of compromises and renewed its commitment to building a strong, effective and credible Human Rights Council. It also wished to reiterate its commitment to the universality, interdependence and indivisibility of human rights and called upon all States to fully cooperate with the Council's mechanisms.

42. **Ms. Samson** (Netherlands) said that the package of measures should enable the Council to protect people from human rights abuses. It contained elements her delegation strongly supported as well as elements it could accept in a spirit of compromise. It believed, however, that one situation should not have been singled out on the Council's agenda and understood Israel's call for a vote in that respect. The continuous repetition of unbalanced resolutions on the question of Palestine was unfair and damaged the Council's credibility. Discontinuation of the special mandates on Belarus and Cuba also gave the wrong signal, since both situations continued to be of concern to the international community. The code of conduct was indeed redundant; however, her delegation accepted it as an integral part of the package and a last step in guiding the work of the mandate-holders. The most important element of the Code was that it required full cooperation from States with the Council's mechanisms.

43. As a member and Vice-President of the Council, the Netherlands was committed to an effective and credible Council, an independent Office of the High Commissioner for Human Rights and strong mechanisms for the promotion and protection of all human rights. Full implementation of the whole package was crucial in that respect. The Netherlands

* The delegations of Bosnia and Herzegovina, Equatorial Guinea and Swaziland subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

stood ready with other partners to give human rights the place they deserved within the United Nations system, on an equal footing with security and development.

44. **Mr. Towpik** (Poland) said that his delegation aligned itself with the statement made by the representative of Portugal, but wished to make some additional comments. Promotion and protection of all human rights and fundamental freedoms was essential to development, peace and security and the Council's success would depend on all stakeholders. The package represented a platform to be built upon in years to come. However, his delegation was not fully satisfied; in particular, it deeply regretted the discontinuation of the special procedures on Belarus and Cuba.

45. **Mr. Kimura** (Japan), welcoming the adoption of the resolution, expressed his delegation's regret that it had not been adopted by consensus. It was now the international community's responsibility to implement the institution-building package promptly. Japan would play an active role in the Human Rights Council. However, it regretted the huge financial implications of the package. The Council should engage in rationalization that would avoid duplicating mandates and streamlining activities considered obsolete, of marginal usefulness or ineffective. The budgetary implications of all proposed activities should also be examined further.

46. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his delegation had voted in favour of the package and welcomed its adoption by a strong majority. The result of the vote was testimony to the continuation of decades of mass and systematic violation of human rights by Israel and the United States through occupation and threats to the national security, territorial integrity and the right to self-determination of other independent peoples. His delegation wished to reserve its position on various issues of concern with regard to the adopted text. The universal periodic review would best achieve its goals through dialogue, cooperation and consensus-building with the consent of the country under review. The mechanism must ensure equal treatment of human rights situations in all countries, in a non-selective and non-politicized manner.

47. His delegation welcomed the adoption of the Code of Conduct to help guarantee the impartial and effective performance of all mandate-holders. It also supported the review, rationalization and streamlining of thematic mandates. The mandate on the situation of human rights in Palestine and other occupied Arab territories would be valid until the end of the occupation. His delegation remained concerned with the inclusion of agenda items such as "human rights situations that require the Council's attention" as well as country-specific mandates that were reminiscent of the Commission's policy of "name and blame".

48. **Mr. Fernie** (United Kingdom) said that the United Kingdom was a committed member of the Human Rights Council, which had a vital role to play in promoting and protecting the human rights and fundamental freedoms of people everywhere and in improving work on human rights within the United Nations system. The United Kingdom had worked actively with partners across all groups towards the Council's adoption of the institution-building package in Geneva in June and believed that the package offered an effective and operational set of tools and working practices for the new body. His delegation particularly welcomed the continued contribution of the mandate-holders, whose insights and expertise had profoundly enriched the Council's work to date. It was also pleased that the Council would be addressing situations of human rights violations at every session. The universal periodic review was an important innovation which had the potential to increase the fairness and transparency of the Council's work with Member States on their own achievements and challenges in promoting full respect for human rights. The United Kingdom looked forward to its own review in April 2008.

49. His delegation was, however, deeply disappointed by the discontinuation of the mandates of two special rapporteurs who had been making constructive recommendations on situations that continued to be of deep concern. It was also very disappointed by the decision to single out one situation on the agenda, which risked undermining the Council's own principles of non-selectiveness and objectivity. The United Kingdom remained committed, however, to the full implementation of the package. As an expression of its commitment and hope for the further development of the Council, it had therefore voted in favour.

50. **Mr. Ritter** (Liechtenstein) said that his delegation welcomed the fact that the General Assembly had finally dealt with the institution-building package adopted five months previously by the Human

Rights Council. However, no such endorsement of that autonomous decision of the Council had been required under the terms of resolution 60/251. The report of the Council should be considered in plenary, while the Council's recommendations, in particular on standard-setting, should be taken up by the Committee. His delegation was not happy with all parts of the package and had hoped for a leaner and more meaningful agenda. Nevertheless, it provided a good basis for future work, and it was time to move to implementation. The Council was a young institution, created under very difficult circumstances. Its effectiveness would depend on fuller political support from Member States.

51. **Mr. Fieschi** (France) said that his delegation had voted in favour, since it had been necessary to confirm the establishment of the Council's institutional machinery. Every objective of each delegation had not been met, but such was the nature of compromise. His own delegation regretted the singling out on the Council's agenda of the question of Palestine, which was contrary to the principle of non-selectiveness. However, the agenda did allow for the examination of any human rights situation that required the Council's attention, in any part of the world. His delegation deplored the discontinuation of the mandates on Belarus and Cuba, which the seriousness of the situations in those countries had not warranted. It also wished to recall that under the Code of Conduct just endorsed, all States were required to cooperate with the special procedures. The recent activities of the Council showed that the package did not constitute an obstacle to important decision-making. It was up to States to make good use of the institutional mechanisms established. His delegation would have preferred the universal periodic review to have allowed for more independent expertise. The international community would thus need to be vigilant to ensure the objectivity and effectiveness of the mechanism. The Human Rights Council was only very newly established and effective work was needed to meet the expectations of human rights defenders, public opinion and the victims of human rights violations everywhere.

52. **Ms. Plouha** (Czech Republic) said that her delegation regretted the elimination of the mandates on Belarus and Cuba. The Council was losing the opportunity to maintain ongoing scrutiny of the situations in those two countries.

53. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had voted in favour of the draft resolution, convinced that the package of institution-building measures had been adopted in a balanced, just and fair manner in Geneva. The Syrian Arab Republic was committed to the success of the Council and supported the principles of objectivity, non-selectiveness, universality and constructive dialogue. The Council should follow any human rights situation, including in connection with the right to self-determination. She was particularly grateful to the Council for giving all due attention to the situation in Palestine and other occupied Arab territories.

54. **Mr. Saeed** (Sudan) said that the establishment of the Human Rights Council had been the outcome of arduous negotiations, which had taken into account the fact that the former Commission on Human Rights had become politicized. His delegation had voted in favour of the compromise package, which was both balanced and reasonable. The situation of the Palestinian people was unique and merited a standing agenda item.

55. **Ms. Abdelhady-Nasser** (Observer for Palestine) said that her delegation had already expressed its position on the institution-building package during the general debate on the item. She wished to reiterate that respect for human rights could not be conditioned on the resolution of conflict. It must be clear to the majority of Member States that Israel was not being "singled out", but, rather, that it had singled itself out as an extraordinary violator of the human rights of the Palestinian people for more than 40 years. Focused attention on the issue was required in order to bring an end to Israel's grave and systematic violations.

56. **Mr. Amorós Núñez** (Cuba) said that the United States and other States had opposed the draft resolution because they wished to return to the days when they could use the Commission on Human Rights to hide their own human rights violations and adopt selective and politically motivated resolutions against certain countries. That had led to the replacement of the Commission as the majority of Member States opted for multilateralism and genuine international cooperation for human rights. The world's worst human rights violator nevertheless continued to present itself as a human rights defender, yet had been afraid to submit itself to scrutiny as a candidate for the Human Rights Council.

57. He expressed surprise at the statement by the representative of Israel, who in referring to Cuba was obviously doing the bidding of its closest ally. As occupying Power, Israel's human rights violations against the Palestinian people, including the killing of civilians and the building of the separation wall, were well known. Delegations that had expressed concern at the termination of the mandate relating to the situation of human rights in Cuba were xenophobic countries that had been accomplices in the use of illegal detentions by the United States in Europe and had opposed a resolution on the situation of detainees in the illegal United States base at Guantanamo. They supported regime change in Cuba, which meant in fact the re-conquest of Cuba by force. His delegation rejected the hypocrisy of such States, who had no moral authority whatsoever.

58. **The Chairman** took it that the Committee wished, in accordance with General Assembly decision 55/448, to take note of the report of the Human Rights Council (A/62/53).

59. *It was so decided.*

60. **Ms. Eilon Shahar** (Israel) said that her delegation wished to dissociate itself from the consensus on the report.

61. **Mr. Hagen** (United States of America) said that given his delegation's deepening concerns about the overall trajectory of the Human Rights Council, it was forced to disassociate itself from the consensus on the report, except with regard to the portion relating to Institution-building. The positive actions taken by the Council were outweighed by the negative actions, which was harmful to its mandate. He noted in particular the Council's bias against Israel and its lack of attention to freedom of expression, opinion and religion in its resolutions and decisions, some of which could be used to justify restrictions on those freedoms. He expressed disappointment at the Council's unwillingness to take action on the deplorable human rights situations in Zimbabwe and the Democratic People's Republic of Korea and at the elimination of the mandates on the situation of human rights in Cuba and Belarus.

62. His delegation believed in the United Nations and looked forward to working with the Committee and the General Assembly to make the Organization accountable to the world's most vulnerable peoples. The Organization and Member States deserved better than the Human Rights Council had delivered over the past year. He hoped that the Council would reform and live up to its mandate.

63. **Mr. Beck** (Palau) said that for the reasons stated earlier in the debate, his delegation dissociated itself from the consensus.

64. **Mr. Saeed** (Sudan) said that the United States had no right to preach to others about human rights and act as judge and jury when it had its own sad record in that record. He believed that the Human Rights Council should take a position on the human rights situation in the United States, for example with regard to concentration camps and prisons.

65. **Mr. Hagen** (United States of America), speaking in exercise of the right of reply, said that it appeared that his delegation and those of Cuba and the Sudan were no longer in complete disagreement with regard to the issue of human rights. Those delegations had always opposed efforts by human rights institutions to name and shame individual countries. They currently appeared however to be of the opinion that in some cases that was acceptable, a stance with which his delegation concurred.

66. **Mr. Amorós Núñez** (Cuba), speaking in exercise of the right of reply to the representative of the United States, stressed that his delegation's position on human rights was diametrically opposed to that of the United States. His delegation was not selective in its defence of human rights; it respected the Charter of the Organization and cooperated with United Nations bodies. Unlike the United States, it had never entered into foreign wars on the pretext of defending human rights and did not defend the violations of the rights of the Palestinian people by the occupying power or use torture or violate human rights as the United States did in Guantanamo, Abu Ghraib prison or its secret detention centres.

67. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking in exercise of the right of reply to the representative of the United States, wondered whether there was a worse human rights violator than the United States, with its history of aggression, occupation and killing of the innocent. The United States had a history of appalling repression of African-Americans, Hispanics, Asians and its indigenous peoples. He asked if the United States model for democracy must be accepted by all. The United States

should put its own house in order before turning its attention to others.

68. **Mr. Saeed** (Sudan) said that his delegation's position with regard to human rights was very different from that of the United States. His delegation cooperated with international human rights mechanisms whereas the United States had for example refused to allow international scrutiny of the situation at its base in Guantanamo. The United States pretended to be a human rights defender but its history proved otherwise. It was selective in its defence of human rights, for example defending the Israeli occupation and abuses in the Palestinian territories. It should be even-handed in its approach to human rights and, rather than criticizing others, should have the courage to open itself up to international scrutiny.

Agenda item 69: Right of peoples to self-determination (*continued*) (A/C.3/62/L.56)

Draft resolution A/C.3/62/L.56: Universal realization of the right of peoples to self-determination

69. **The Chairman** said that the Secretariat had informed him that the draft resolution contained no programme budget implications and announced that the delegations of Benin, Chad, Comoros, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Liberia, Mali, Mauritania and St. Lucia had become sponsors of the draft resolution.

70. **Ms. Nawag** (Pakistan), introducing the draft resolution, stressed that the right to self-determination enjoyed primacy in international law. The adoption every year of the resolution on the right of peoples to self-determination by consensus epitomized the General Assembly's consistent reaffirmation of that central principle of the Charter. It also sent a strong message of the international community's opposition to foreign aggression and occupation. She hoped that the current resolution would once again be adopted by consensus and thereby confirm the Organization's commitment to the right to self-determination. The delegations of Guinea, Somalia and Tunisia had also become sponsors of the draft resolution.

71. *Draft resolution A/C.3/62/L.56 was adopted.*

72. **Ms. Rodríguez de Ortiz** (Bolivarian Republic of Venezuela) welcomed the adoption of the draft resolution by consensus. Her delegation remained committed to the principles of self-determination, sovereignty and non-interference as fundamental principles of human rights. She underscored, however, that her delegation did not consider itself bound by the 2005 World Summit Outcome referred to in the seventh preambular paragraph of the resolution.

73. **Ms. Melon** (Argentina) reiterated her delegation's support for the right to self-determination of peoples living under colonial domination or foreign occupation. However, draft resolution A/C.3/62/L.56 must be interpreted in accordance with the relevant resolutions of the General Assembly, in particular resolution 2065 (XX) and statements by the Special Committee on Decolonization concerning the special situation in the Malvinas (Falkland Islands) according to which there existed a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the Islands and that that dispute must be resolved through renewed bilateral negotiations with a view to achieving as soon as possible a fair, just and lasting solution, taking into account the interests of the population of the Islands.

74. **Ms. Cavalho** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia, and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, Moldova and Norway, said that peoples' right to self-determination was a fundamental principle of international law and an important pillar of the international system. It remained a relevant issue and deserved the close attention of the international community. It was closely associated with respect for human rights, democracy and the rule of law, including equality of citizens.

75. Given the importance it attached to the right of peoples to self-determination, the European Union would have welcomed an opportunity to engage constructively on that issue. It believed the thrust of the resolution was too narrow. The text should have reflected more clearly the need for that right to be exercised in accordance with international law. The text contained inaccuracies: the right as stated in article 1 of the International Covenants referred to "peoples", not "nations"; it was not correct to assert that self-determination was a precondition for the enjoyment of other human rights. The text should likewise have included a reference to the right of return in accordance with article 13, paragraph 2 of the Universal Declaration of Human Rights.

76. Those and other weaknesses in the text might undermine the quality of the debate that should be taking place on such an important right. Rather than having to reiterate its concerns each year, the European Union would prefer to have the opportunity to discuss the draft with the main sponsors and other delegations. That would allow for an improved text that better reflected recent developments, including the general recommendations and jurisprudence of treaty bodies. She reiterated the hope that in 2008 the main sponsors would make a greater effort to address the concerns raised by delegations and that the text submitted would be a more effective instrument for encouraging States to respect their obligations and cooperate with others to implement the right to self-determination.

77. **Mr. Ritter** (Liechtenstein) said that his delegation advocated a staged approach to the right of self-determination not restricted to the particular situation of some peoples but applicable to all peoples in accordance with the International Covenants and allowing for discussion of different forms of self-governance. He regretted that, as in previous years, the way in which the draft resolution had been promoted had not allowed room for discussion of the merits of a broader approach which would more accurately reflect the title of the draft resolution. While his delegation had joined in the consensus he regretted that the main sponsors had again missed an opportunity to address the issue in an open, creative and constructive manner. He hoped that in the future the Committee would be able to overcome the stale and selective way in which the right to self-determination was dealt with in the resolution.

78. **Mr. Fernie** (United Kingdom), speaking in exercise of the right of reply to the representative of Argentina, said that his delegation's position with regard to the situation of the Falkland Islands (Malvinas) was well-known and had been reiterated by its permanent representative at the high-level plenary of the current session of the General Assembly. His Government had no doubts about its sovereignty over the Falkland Islands (Malvinas) and reaffirmed the right of the inhabitants of those Islands to self-determination. There could be no negotiations on the sovereignty of the Islands until the Falkland Islanders themselves so desired.

The meeting rose at 12.50 p.m.